

canceled. Applicants, submit that the present Amendment does not generate any new matter issue.

A clean copy of amended claim 9 appears in the Appendix hereto.

Status of Claims

Applicants note that in the Office Action Summary, the status of claim 13 was indicated as subject to objection. However, claim 13 was rejected under 35 U.S.C. §103. Applicants further note that claim 10 was not actually rejected. Ergo, Applicants are proceeding on the basis that the Examiner intended to indicate that claim 10 was subject to objection, as claim 10 was not rejected under any statutory provisions.

Claims 9 and 12 were rejected under 35 U.S.C. §103 for obviousness predicated upon Broadbent in view of Sato.

Claim 11 was rejected under 35 U.S.C. §103 for obviousness predicated upon Broadbent presumably in view of Sato and Koos et al.

Claims 9 and 11 were rejected under 35 U.S.C. §103 for obviousness predicated upon Cadien in view of Sato.

Each of the above rejections under 35 U.S.C. §103 is traversed. Specifically, the limitations of claim 10 have been incorporated into independent claim 9, claim 10 not being subject to any of the above rejections. It is, therefore, apparent that each of the imposed rejections under 35 U.S.C. §103 has been rendered moot.

Applicants would emphasize that even if the applied references are combined, as proposed by the Examiner, the invention defined in amended claim 9 would not result,

noting the manipulative steps previously in claim 10 which have been incorporated into claim 9. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988). Applicants, therefore, submit that each of the imposed rejections of claims 9 and 12 under 35 U.S.C. §103 for obviousness predicated upon Broadbent in view of Sato, claim 11 under 35 U.S.C. §103 for obviousness predicated upon Broadbent in view of Sato and Koos et al., and claims 9 and 11 under 35 U.S.C. §103 for obviousness predicated upon Cadien in view of Sato is not factually or legally viable and, hence, solicit withdrawal thereof.

Claim 13 was rejected under 35 U.S.C. §103 for obviousness predicated upon Broadbent.

This rejection is traversed. Indeed, this rejection has been rendered moot by canceling claim 13.

It should, therefore, be apparent that each of the imposed rejections have been overcome and that all pending claims are in condition for immediate allowance. Favorable consideration is, therefore, respectfully, solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this

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paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY



A handwritten signature in black ink, appearing to read "M J Steiner". The "M" and "J" are on the left, and "Steiner" is on the right, with a small "I" in the middle.

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APPENDIX

Claim 9 now read as follows.

9. (Amended) A method of manufacturing a semiconductor device

comprising the steps of:

forming a first interlayer insulating film on a semiconductor substrate;

forming a plurality of openings in said first interlayer insulating film;

forming a conductor film on said first interlayer insulating film so as to fill said openings;

removing said conductor film from said surface of said first interlayer insulating film through chemical etching and forming conductor plugs from said conductor film filled in said openings;

leveling the surface of said first interlayer insulating film from which said conductor film has been removed until the surface of said first interlayer insulating film becomes flush with the surface of said conductor plugs by chemical-and-mechanical polishing;

forming a second interlayer insulating film on said first interlayer insulating film having said conductor plugs formed therein;

forming a wiring pattern on said second interlayer insulating film;

forming a third interlayer insulating film on said second interlayer insulating film so as to cover said wiring pattern; and

forming a plurality of openings so as to penetrate said second and third interlayer insulating films respectively to said conductor plugs; and

forming a plurality of interconnect conductors in said openings so as to be electrically connected to each of said conductor plugs.

Claims 10 and 13 have been cancelled.